

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 12862 of 2007(F)

OPEA.9/2005 of MUNSIFF COURT, KODUNGALLUR

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PETITIONER:

ABDUL RAHIM, AGED 45 YEARS,
S/O. KOCHUMOIDEEN, PADINJAREVEETIL,
AZHIKKODE DESOM, KODUNGALLUR.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.R.REENA

RESPONDENT:

SURESH, S/O. KARUNAKARAN,
KUTTATHUVEETIL HOUSE, AZHIKKODE DESOM,
KODUNGALLUR.

BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) 12862/07

APPENDIX

Petitioner's Exts:

Ext.P1 true copy of petition and affidavit, I.A.199/07 in EOP 98/05

Ext.P2 true copy of the I.A. 228/06 in EOP 9/05

Ext.P3 true copy of the order in I.A. 199/07 dated 28.3.07 in EOP 9/05

Ext.P4 true copy of the order in IA 228/07 dated 28.3.07 in EOP 9/05

M.N.Krishnan, J.

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W.P(C).No.12862 of 2007

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Dated this the 10th day of September, 2007.

JUDGMENT

This Writ Petition is filed seeking to challenge the order in I.A.No.199 of 2002 in E.P.No.9 of 2005. Writ petitioner also challenges the order in I.A.No.228 of 2006 whereby he wanted to call for some documents. Writ Petitioner wants to incorporate an amendment regarding the description and other particulars of the persons. But according to him, they exercised their franchise in two or more constituencies and further also wanted to incorporate a prayer whereby he wants to plead that the petitioner was disqualified from contesting the Election Petition.

2. So far as the amendment of the Election Petition is concerned, the court has to be very strict and meticulous because it will be intruding into the system of elections which is done democratically. A person cannot be allowed to go on adding grounds. Therefore unlike applications for amendment in other

proceedings different approach has to be made. Now the points sought to be incorporated were very much in addition to the original pleading. After filing of the counter statement by the other side to fill up the lacuna in the pleadings amendment cannot be permitted. Therefore, I find that the court below has considered the matter in the correct perspective and rejected the prayer for amendment and since the production of document depends upon the amendment application, court also rejected the same. So, this Writ Petition stands dismissed.

M.N.Krishnan,
Judge.

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